

28 January 2019



Dear 

I refer to your Official Information Act request dated 28 September 2018 seeking information concerning the Police announcement of an inquiry into the use of external security consultants by Police. Subsequent to the Police response to that request, you sought a review by the Ombudsman in regards to Police withholding certain information.

This current response relates only to those parts previously withheld pursuant to section 6(c) of the Official Information Act 1982.

The Ombudsman asked if Police would reconsider our original decision in light of the public release of the State Sector Commission Inquiry and Police reports.

I advise that, because of the release of that report, Police can now release those previously withheld sections (s6(c) grounds only). The second part of your request to the Ombudsman relating to professional legal privilege is being managed separately.

Please find attached four previously released documents with the s6(c) deletions now reinstated.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely



P Berry
Detective Inspector
Wellington

Police National Headquarters

180 Molesworth Street, PO Box 3017, Wellington 6140, New Zealand
Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz

BERRY, Paul

From: EVANS, Robert (Mark)
Sent: Monday, 30 July 2018 8:49 p.m.
To: CLEMENT, Michael
Cc: VENABLES, Sandra
Subject: Re: SSC Inquiry Letter to State Sector Chief Executives Draft for Police FYI

Noted and understood.

Mark.

R. Mark Evans OBE
Deputy Chief Executive: Strategy

P [REDACTED]
E robert.evans@police.govt.nz

Sent from a New Zealand Police mobility device

On 30/07/2018, at 12:35 PM, CLEMENT, Michael <Michael.Clement@police.govt.nz> wrote:

Mark

This is to give you an early heads up that the SSC (Thomson Clark - TCIL) enquiry rolls on. The original mandate (which included Police) was extended to include a wider range of Government Agencies. While the Commissioner's independence does limit the SSC enquiry insofar as Police is concerned, we have cooperated with Doug Martin's enquiry as if we were subject to SSC legislation.

The original scope was focused on Southern Response and TCIL and by implication, Police. While the draft findings are reached with no adverse comment about Police as I understand it, the broader mandate remains active. I will need to speak to you about where that is heading, in part at least. The attachment is a letter written by the enquiry to Agency CE's (but not Police because of the independence issue) and will give you a flavour of the learnings coming from that continuing enquiry and the suggestions being made to CE's. I have checked with the Commissioner and he sees it (as I do) as he has done throughout and that is that we would respond as if we were subject to SSC leg.

Thanks

Mike

Mike Clement
Deputy Commissioner
National Operations

P [REDACTED]
E michael.clement@police.govt.nz

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From: Sarah Baddeley [REDACTED]
Sent: Tuesday, 24 July 2018 12:50 p.m.
To: CLEMENT, Michael <Michael.Clement@police.govt.nz>
Cc: Doug Martin [REDACTED]; Simon Mount [REDACTED]
Subject: SSC Inquiry Letter to State Sector Chief Executives Draft for Police FYI

Hi Mike

For your information I attached the current draft of a letter that Doug will move to finalise and distribute via the Commission for State Sector CEs covered by the TOR for the extended Inquiry.

I will touch base with you next week and also provide you with a final in due course.

Cheers

Sarah

Sarah Baddeley
Manager, Consulting

M [REDACTED]
[REDACTED]

E Sarah.Baddeley@martinjenkins.co.nz
<image018.png> [MartinJenkins](#)
<image019.jpg> Read our blog: [From the Exosphere](#)

<image003.png>

<image004.png>

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<2018-07-23 SSC Inquiry Letter to State Sector Chief Executives Draft for Police FYI.docx>

BERRY, Paul

From: Sarah Baddeley [REDACTED] >
Sent: Thursday, 27 September 2018 5:04 p.m.
To: CLEMENT, Michael
Subject: RE: Thoughts Sarah?

Hi Mike

I think the terms of reference is fine, but you may want to consider a para something like this in your note to the AC.

"The objective of the investigation is to satisfy the Commissioner that NZ Police employees have engaged with external security consultants properly and consistent with the Police Code of Conduct. While the terms of reference relates to formal or structured engagements with these providers, it is also important that the conduct of Police employees around these engagements is considered proper. I ask that you work to interpret the terms of reference in such a manner as to retain public trust and confidence in the professionalism of the NZ Police and transparency about our dealings with these types providers.

This will mean that not every tip off needs to be examined, but you would do well to investigate carefully around known areas like MEJIG and Pike River.

Hope this helps.

Sarah

Sarah Baddeley
Manager, Consulting

M + [REDACTED]

T [REDACTED]

E Sarah.Baddeley@police.govt.nz

[REDACTED] Martin.Jenkins@police.govt.nz

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From: CLEMENT, Michael [<mailto:Michael.Clement@police.govt.nz>]
Sent: Thursday, 27 September 2018 4:54 p.m.
To: Sarah Baddeley <[REDACTED]>
Subject: RE: Thoughts Sarah?

Sorry attached now

Mike Clement
Deputy Commissioner
National Operations

P + [REDACTED]
M + [REDACTED]
E michael.clement@police.govt.nz



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From: Sarah Baddeley [REDACTED]
Sent: Thursday, 27 September 2018 4:50 p.m.
To: CLEMENT, Michael <Michael.Clement@police.govt.nz>
Subject: RE: Thoughts Sarah?

Hi Mike

There didn't seem to be a terms of reference revision attached?

I think you can keep the TOR largely as is – but give instruction to your staff with more context so as to ensure the report is sufficiently rounded and the findings sit within the right context to provide confidence. Your memo to staff could advise them to interpret the TOR to define the term engagement to be “engagement both contractually and in the context of an overall structured relationship.”

The interactions between Police Officers is only where they supplied TCIL (or others) information. I also wouldn't advise all interactions – otherwise its every private investigation tip off about a fraud case.

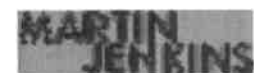
Feel free to give me a bell or perhaps send the revision.

Sarah Baddeley
Manager, Consulting

M + [REDACTED]
T [REDACTED]

E [Sarah.Baddeley@\[REDACTED\]](mailto:Sarah.Baddeley@[REDACTED])
[REDACTED] [MartinJenkins](#)

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From: SWEENEY, Mary [REDACTED] **On Behalf Of** CLEMENT, Michael
Sent: Thursday, 27 September 2018 4:42 p.m.

To: Sarah Baddeley [REDACTED] >
Subject: RE: Thoughts Sarah?

Sarah

Adjustments below – your thoughts?

I had stuck closely to the SSC TOR.

I guess that, having now operated under that TOR, DM (and Co) are conscious of limits that the TOR contains.

Point taken regarding the concept of “engagement of” private security. That is from the SSC TOR. But have made a slight tweak to our draft TOR – as marked in attached version.

“Engaged with ...” (which is the revised wording) brings in a slightly wider concept, more closely aligned to ‘interacting with’ – as opposed to ‘contracted the services of ...’.

I wouldn’t advise that we specifically say any interactions whatsoever between police employees and private security providers.

Regards

Mike

Mike Clement
Deputy Commissioner
National Operations

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From: Sarah Baddeley [REDACTED]
Sent: Thursday, 27 September 2018 3:45 p.m.
To: CLEMENT, Michael <Michael.Clement@police.govt.nz>
Subject: RE: Thoughts Sarah?

Hi Mike

Thanks for the chance to review. Happy to do so - although on the basis that these are just my own opinions and not those of Doug and Simon as Inquiry heads.

The draft TOR speaks strongly to the formal engagement of external security consultants. However, the nature of the public criticism/potential loss of confidence to date has featured two additional components:

1) Inappropriate relationships between state servants and external security consultants including, potentially, accessing the MVD, DL Register, secondary employment etc. All of which, I am sure, would also concern you and no doubt be a breach of your own code.

2) The receipt of intelligence (gathered through surveillance) paid for by a third party but in effect in support of the enforcement of state functions.

The first point could be a gap in your TOR. It is also the most time-consuming element of investigation. To be consistent with our method you would need to look at individual interactions and quickly identify those that are potentially problematic. For me the basic test would be to prioritise those where Police provided information to external security consultants including (especially) TCIL. This would cover off potential themes such as MVR/DL access and approaches to undertake secondary employment. It could also then exclude where Police received information from external security consultants (ie tip offs/fraud/corporate theft etc) which I understand to be common place.

The second of these points is difficult given the nature of your intelligence gathering function. This might be best addressed by the term "engagement" being interpreted in the manner set out, but analysed and reported within the wider context of the operations of national intelligence functions (not unlike the advice already provided to the Inquiry by Jacqui Ellis from NZ Police). The important point is to provide assurance to the public that Police are calibrating any information received against your own risk frameworks and with a strong Bill of Rights discipline and ultimately oversight by the IPCA.

At the very least I expect you will want to clarify what the nature of your relationship is with TCIL explicitly in any report.

Feel free to contact me if any of the information set out above is unclear.

Sarah

Sarah Baddeley
Manager, Consulting

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From: CLEMENT, Michael [<mailto:Michael.Clement@police.govt.nz>]
Sent: Thursday, 27 September 2018 3:03 p.m.
To: Sarah Baddeley [REDACTED]
Subject: Thoughts Sarah?

Mike Clement

**Deputy Commissioner
National Operations**

P [REDACTED]

E michael.clement@police.govt.nz



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BERRY, Paul

From: OGILVIE, Grant
Sent: Friday, 28 September 2018 2:31 p.m.
To: CLEMENT, Michael
Subject: Re: TCIL

Ok - going out in 5 mins

Grant Ogilvie
National Manager: Media Relations
New Zealand Police

Sent from my iPhone

On 28/09/2018, at 2:27 PM, CLEMENT, Michael <Michael.Clement@police.govt.nz> wrote:

Thanks Travis.

Grant and Jane

We are good to go. SSC / our Min, PMO tick

Thanks

Mike

Sent from my iPhone

On 28/09/2018, at 2:22 PM, Travis Mills <[Travis.Mills@\[REDACTED\]](mailto:Travis.Mills@[REDACTED])> wrote:

Hi Mike,

Just confirming that we are all happy from this end, with the PMO advised. ■
You can release the statement when you're ready.

Trav

Travis Mills
Private Secretary (Police)
Office of Hon Stuart Nash, Minister of Police
Level 19 Bowen House* | Parliament Buildings, Wellington 6010
M [REDACTED]
P [REDACTED]
E [travis.mills@\[REDACTED\]](mailto:travis.mills@[REDACTED])

From: SWEENEY, Mary [REDACTED] On Behalf Of
CLEMENT, Michael
Sent: Friday, 28 September 2018 1:36 PM
To: [chappie.tekan@\[REDACTED\]](mailto:chappie.tekan@[REDACTED]); Travis Mills <[Travis.Mills@\[REDACTED\]](mailto:Travis.Mills@[REDACTED])>;
[richard.schmidt@\[REDACTED\]](mailto:richard.schmidt@[REDACTED]) 'Sarah Baddeley'
<[sarah.baddeley@\[REDACTED\]](mailto:sarah.baddeley@[REDACTED])>
Cc: ARCHIBALD, Jane <Jane.Archibald@Police.Govt.NZ>; OGILVIE, Grant

<Grant.Ogilvie@Police.Govt.NZ>; ANDERSON, Cassandra
<Cassandra.Anderson@Police.Govt.NZ>; CHAMBERS, Richard
<Richard.Chambers@police.govt.nz>; PANNETT, Michael (Mike)
<Michael.Pannett@police.govt.nz>; PEOPLES, William (Bill)

Subject: TCIL

Chappie, Travis, Richard and Sarah

You are each aware that the Commissioner has been exploring options to commence an inquiry consistent with that undertaken by Doug Martin on behalf of SSC into the use of security consultants by Government agencies. [REDACTED]

s9(2)(h)

After consulting with Ministers Woods and Nash yesterday it has been agreed that Police will conduct their own investigation in close liaison with Doug Martin's investigation.

There are three attachments, the first is a letter from me to Assistant Commissioner Chambers instructing him to initiate an investigation, the second is the ToR and the third is the media release (which includes the ToR) which will be issued shortly.

I am going to be away for two weeks from Monday, returning 15 October. Assistant Commissioner Mike Pannett will be relieving in my role for that period.

Sarah – we do not yet have a formal mechanism to engage Doug however once he returns from overseas I would invite the conversation with AC Chambers about the way forward.

Regards

Mike

Mike Clement
Deputy Commissioner
National Operations

P [REDACTED]
M [REDACTED]
E michael.clement@police.govt.nz

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BERRY, Paul

From: CHAMBERS, Richard
Sent: Wednesday, 17 October 2018 3:21 p.m.
To: BROCKLEHURST, Sarah
Subject: FW: TCIL

From: Sarah Baddeley [mailto:[REDACTED]]
Sent: Friday, 28 September 2018 2:11 p.m.
To: CHAMBERS, Richard <Richard.Chambers@police.govt.nz>; ANDERSON, Timothy (Tim) <Timothy.Anderson2@police.govt.nz>
Subject: RE: TCIL

Hi Richard

We are in interviews all day Monday in Auckland and then deliberations Tuesday. A call might be our best bet late Monday.

For your information, Simon and I are Auckland based and Doug is Wellington based. The bulk of our interviews for the remainder of our work are in Auckland.

As previously provided to Mike Clement, attached is a letter that goes to the method that has been used by other state entities.

There are two areas where contact with Police and external security providers (TCIL) have previously been identified:

- 1) MEJIG – contact in NZ Police is Kevin Rolens. Minerals Exploration Joint Intelligence Group
- 2) Pike River – the extent and nature of this interaction is unclear

Talk more Monday.

Cheers

Sarah

Sarah Baddeley
Manager, Consulting

M + [REDACTED]
T [REDACTED]
E [REDACTED]
 [MartinJenkins](#)

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From: CHAMBERS, Richard [mailto:Richard.Chambers@police.govt.nz]
Sent: Friday, 28 September 2018 2:06 p.m.
To: Sarah Baddeley [REDACTED]; ANDERSON, Timothy (Tim)
<Timothy.Anderson2@police.govt.nz>
Subject: Re: TCIL

Thank you Sarah.

For your records my cell is [REDACTED]

Tim - can you make early contact with Sarah with a view to meeting with Doug and Simon early. If it was possible to meet with them on Monday that would be helpful.

RC

Richard Chambers
Assistant Commissioner: Investigations
Police National Headquarters
Wellington, New Zealand

On 28/09/2018, at 1:54 PM, Sarah Baddeley [REDACTED] > wrote:

Thanks Mike

Yes, the SSC Inquiry co-heads Simon Mount and Doug Martin are meeting on Monday to discuss scope and timing issues across the SSC Inquiry generally. So we will also address what may be appropriate and helpful/relevant to your team then and revert to AC Chambers.

Richard C – my full contact details are below.

Sarah Baddeley
Manager, Consulting

M + [REDACTED]

T [REDACTED]

E [REDACTED]

 [MartinJenkins](#)

<image007.jpg> Read our blog: [From the Exosphere](#)



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From: SWEENEY, Mary [REDACTED] **On Behalf Of** CLEMENT, Michael
Sent: Friday, 28 September 2018 1:36 p.m.
To: [chappie.tekani@](#)[REDACTED]; [travis.mills@](#)[REDACTED]; [richard.schmidt@](#)[REDACTED]
Sarah Baddeley [REDACTED]
Cc: ARCHIBALD, Jane <[Jane.Archibald@Police.Govt.NZ](#)>; OGILVIE, Grant
<[Grant.Ogilvie@Police.Govt.NZ](#)>; ANDERSON, Cassandra <[Cassandra.Anderson@Police.Govt.NZ](#)>;
CHAMBERS, Richard <[Richard.Chambers@police.govt.nz](#)>; PANNETT, Michael (Mike)

<Michael.Pannett@police.govt.nz>; PEOPLES, William (Bill) [REDACTED]

Subject: TCIL

Chappie, Travis, Richard and Sarah

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s9(2)(h)

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Sarah – we do not yet have a formal mechanism to engage Doug however once he returns from overseas I would invite the conversation with AC Chambers about the way forward.

Regards

Mike

Mike Clement
Deputy Commissioner
National Operations

P [REDACTED]

E michael.clement@police.govt.nz



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